

# PROCLAMATION

BY THE

Governor of the State of Texas

41-1062

REPRODUCED FROM THE  
HOLDINGS OF THE  
TEXAS STATE ARCHIVES

TO ALL TO WHOM THESE PRESENTS SHALL COME:

I disapprove and veto House Bill 765 for the following reasons:

This bill amends Chapter 12, Title 122A of the General Statutes so as to define a public charity. The bill states:

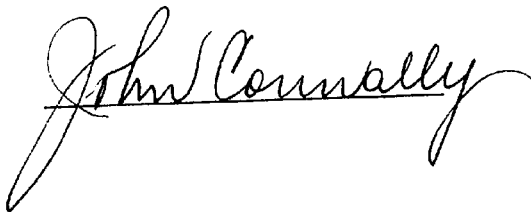
"A corporation shall be deemed to be organized for purely public charity and qualify for exemption under Article 12.03 when the corporation is organized for a charitable purpose without a view to profit, unless such profits are appropriated by the corporation solely to the specific charitable purposes for which the corporation was chartered. Such charitable purposes shall include, but not be limited to, the relief of sick, disabled or aged members of a particular charitable institution and their families, and the burial of the same, or which also extends said relief to others whether the members of a particular institution or not. A corporation shall be deemed organized for purely public charity when it dispenses its aid to its members, and others, in sickness or distress, or at death, also when the funds, property and assets of such corporation are placed and bound by law to relieve, aid and administer in any way to the relief of its members when in want, dependent and aged members and to educate and maintain the orphans of its deceased members or other persons."

The definition as stated in this bill has been broadened to the extent that it fails to accomplish the purpose for which it was intended, that of offering to the Comptroller a guideline in the determination of franchise tax liabilities on public charitable corporations. For example, the definition indicates charitable purposes which include but shall not be limited to such broad definitions as, "...dispenses its aid to its members, and others...aid and administer in any way to the relief of its members when in want...educate and maintain the orphans of its deceased members or other persons."


The bill fails to offer to the Comptroller a specific definition of a public charitable corporation. It is my opinion that it would create more administrative problems than now exist under the present procedure of allowing the Comptroller to make a determination of tax exemptions in these cases.

House Bill 765 was received in the Governor's Office less than ten (10) days prior to the adjournment of the Regular Session of the Fifty-ninth Legislature, and in accordance with Article IV, Section 14 of the Constitution of Texas, the Bill, together with this Proclamation, is filed with the Secretary of State.

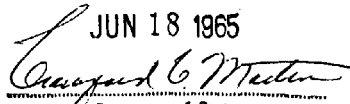
IN TESTIMONY WHEREOF, I  
have hereunto signed my  
name officially and caused  
the seal of State to be  
affixed hereto at Austin  
this 18 day of June,  
1965.



By the Governor:

  
Secretary of State

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
4:30 O'CLOCK

JUN 18 1965  
  
Secretary of State